

**BOARD OF REAL ESTATE APPRAISERS
BOARD MEETING MINUTES – August 1, 2006**

MEMBERS PRESENT

Kenneth Charest
Bruce Bell
Walter “Terry” Bowditch
William Dobrowolski
Joseph Herlihy
Daniel Shipley
James Murphy

MEMBERS ABSENT

OTHERS PRESENT

Carol Leighton, Administrator
Dennis Smith, Assistant Attorney General
Kim Baker-Stetson, Licensing Clerk
Susan Greenlaw, Board Clerk

Location: Central Conference Room

Start: 9:00 a.m. **Adjourn:** 12:40 p.m.

CALL TO ORDER

The meeting was called to order at 9:00 a.m.

AGENDA MODIFICATIONS

A motion was made by Walter Bowditch to add the following to the agenda; seconded by Daniel Shipley. Unanimous.

- Newsletter
- 2006 USPAP Update Course
- July 11, 2006 meeting minutes

OLD BUSINESS

Action on Minutes of July 11, 2006 and July 27, 2006 Meetings

A motion was made by Walter Bowditch to approve the minutes of the July 11, 2006 and July 27, 2006 meetings as written; seconded by James Murphy. Bowditch, Dobrowolski, Herlihy, Murphy, and Shipley voted in the affirmative; none opposed; Charest abstained. Motion carried.

NEW BUSINESS

Administrator’s Report

Rules Discussion: Staff Attorney Jeffrey Frankel will be available for discussion at the September meeting.

Discussion – Appraisers Not Eligible to Appraise Federally Related Transactions: Members were provided with information regarding appraisers who have and have not met the

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requirements for eligibility. Carol Leighton will discuss this matter with A.A.G. Black and will provide an update at the next meeting.

Board Review of Work Samples: Members were provided with information from the Kansas and Kentucky Real Estate Appraisal Boards. Discussion will continue at the next meeting.

Complaint Officer's Report

#REA-250: A motion was made by Walter Bowditch to amend the Consent Agreement offered to the licensee leaving in paragraph B and eliminating paragraph E; if the proposal is not accepted, a hearing will be scheduled; seconded by James Murphy. Bell, Bowditch, Charest, Dobrowolski, Murphy, and Shipley voted in the affirmative; none opposed; Herlihy abstained. Motion carried.

#REA-252: A motion was made by Bruce Bell that there is sufficient evidence to go forward with a hearing; seconded by Walter Bowditch. Bell, Bowditch, Charest, Dobrowolski, Murphy, and Shipley voted in the affirmative; none opposed; Herlihy abstained.

A motion was made by Walter Bowditch to offer a Consent Agreement that includes: (1) admission to violations; (2) letter of censure; (3) successful completion within 30 days of a 15 hour USPAP course, not to be counted towards continuing education; seconded by William Dobrowolski. Bell, Bowditch, Charest, Dobrowolski, Murphy, and Shipley voted in the affirmative; none opposed; Herlihy abstained. Motion carried.

#2006-REA-2762: A motion was made by William Dobrowolski to dismiss upon finding no violation of Board statute or rules; seconded by Bruce Bell. Bell, Charest, Dobrowolski, Murphy, and Shipley voted in the affirmative; none opposed; Bowditch and Herlihy abstained. Motion carried.

Review and Action on Applications and Education

NEW APPLICATIONS		
NAME	APPLYING TO	ACTION
#1	UPGRADE FROM TRAINEE TO SIT FOR LICENSED RESIDENTIAL EXAM MIN 90 QE BAL MET? YES MIN 2000 HOURS WK EXP ON FILE? YES, BUT APPEAR TO BE EXCESSIVE 1 ST 50 ON FILE? YES	REQUESTED 3 SAMPLES
APPLICATIONS PENDING		
#1	UPGRADE FROM LICENSED RESIDENTIAL (AP) TO SIT FOR CERTIFIED RESIDENTIAL EXAM MIN 120 QE BAL MET? YES MIN 24 MONTHS EXP MET? YES, 1 ST LIC 09/09/2003(RA); 10/02/2003(AP) MIN 2500 HOURS WK EXP W/COME MAJOR/COMPLEX APPRAISALS – 2600++ WK EXP HRS ON FILE	MOTION BY CHAREST TO DENY PURSUANT TO 32 MRSA §14023(2)(5), §14028, §14031(1), AND CHAPTER 200 SECTION 4(B)(2)(C); SECONDED BY DOBROWOLSKI. UNANIMOUS.
#2	UPGRADE FROM LICENSED RESIDENTIAL (AP) TO SIT FOR CERTIFIED RESIDENTIAL EXAM MIN 120 QE BAL MET? YES MIN 24 MONTHS EXP MET? YES, 1 ST LIC 5/4/1999FL MIN 2500 HOURS WK EXP W/SOME MAJOR/COMPLEX APPRAISALS – 3000++ WK EXP HRS ON FILE	MOTION BY BOWDITCH TO DENY PURSUANT TO 32 MRSA §14023(1)(2)(5), §14028, §14031(1), AND CHAPTER 200 SECTION 4(B)(2)(C); SECONDED BY DOBROWOLSKI. UNANIMOUS.

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#3	UPGRADE FROM TRAINEE TO SIT FOR CERTIFIED RESIDENTIAL EXAM MIN 120 QE BAL MET? NO 90 QE HOURS ON FILE MIN 24 MONTHS EXP MET? YES, 1 ST LIC 6/27/2003 MIN 2500 HOURS WK EXP W/SOME MAJOR/COMPLEX APPRAISALS – 3107 WK EXP HRS ON FILE	MOTION BY BOWDITCH TO DENY PURSUANT TO 32 MRSA §14023(2)(5), §14028, §14031(1), AND CHAPTER 200 SECTION 4(B)(2)(C) ; SECONDED BY DOBROWOLSKI. UNANIMOUS.
#4	UPGRADE FROM TRAINEE TO SIT FOR CERTIFIED GENERAL EXAM MIN 180 QE BAL MET? YES MIN 30 MONTHS EXP MET? YES, 1 ST LIC 4/10/2003 MIN 3000 HOURS WK EXP W/AT LEAST 1500 COMMERCIAL APPRAISALS – 4900++ WK EXP HRS ON FILE – ALMOST ALL COMMERCIAL	MOTION BY BOWDITCH TO APPROVE FOR EXAM; SECONDED BY MURPHY. UNANIMOUS.
#5	UPGRADE FROM TRAINEE TO SIT FOR CERTIFIED RESIDENTIAL EXAM THIS IS ONE OF THE TRAINEES WHO IS BEYOND THE 6 YR LIMIT MIN 120 QE BAL MET? YES, 128 QE HOURS ON FILE MIN 24 MONTHS EXP MET? YES, 1 ST LIC 7/17/2006 MIN 2500 HOURS WK EXP W/SOME MAJOR/COMPLEX APPRAISALS – YES, 3000+ WK EXP HRS ON FILE	MOTION BY MURPHY TO DENY PURSUANT TO ; SECO32 MRSA §14023(2)(5), §14028, §14031(1), AND CHAPTER 200 SECTION 4(B)(2)(C)NDED BY BOWDITCH. UNANIMOUS.
#6	UPGRADE FROM TRAINEE TO SIT FOR LICENSED RESIDENTIAL EXAM MIN 90 QE BAL MET? YES MIN 2000 HOURS WK EXP ON FILE? YES, BUT APPEAR TO BE EXCESSIVE 1 ST 50 ON FILE? YES	MOTION BY BOWDITCH TO APPROVE FOR EXAM; SECONDED BY MURPHY. UNANIMOUS.
TABLED APPLICATIONS		
#1	UPGRADE FROM LICENSED RESIDENTIAL TO SIT FOR CERTIFIED RESIDENTIAL EXAM MIN 120 QE BAL MET? YES MIN 24 MONTHS EXP MET? 1 ST LIC 6/19/2002(RA); 10/23/2003 TO PRESENT (AP) HAS MIN 2500 HOURS WK EXP WITH “SOME” MAJOR APPRAISAL EXPERIENCE DOCUMENTED IN THE FILE	8/7/2006 – 2/7/2006 – BD D&O SIGNED; 8/7/2006 = 180 DAYS TO RESUBMIT 1/3/2006 – APPEAL HEARING SCHEDULED; APPEAL WITHDRAWN; GIVEN 180 DAYS TO SUBMIT ADDITIONAL APPRAISALS 11/4/2005 – REC'D APPEAL LETTER 11/6/2005 – END OF 30 DAY APPEAL PERIOD 10/7/2005 – DENIAL LETTER SENT 10/4/2005 – DENY §13023(2)(5) – LACK OF COMPETENCY TO CONDUCT “MAJOR” APPRAISALS; 14031(1); CHAPTER 200 SECTION 4(B)(2) 10/4/2005 – REPORT ON REVIEW OF APPRAISALS – SHIPLEY
#2	UPGRADE FROM TRAINEE TO SIT FOR CERTIFIED RESIDENTIAL EXAM MIN 120 QE BAL MET? NO, 75 QE HOURS ON FILE; NEEDS TO TAKE 45 MORE QE HOURS MIN 24 MONTHS EXP MET? YES, 1 ST LIC 4/4/2002 MIN 2500 HOURS WK EXP W/SOME MAJOR/COMPLEX APPRAISALS? 2673 HOURS ON FILE	8/1/2006 – REQUESTED APPRAISALS 7/11/2006 – NOW MEETS EDUCATION CRITERIA; NED TO REQUEST LIST OF “MAJOR” APPRAISALS 6/16/2006 – REC'D 2 COMPLETION CERTS FOR A TOTAL OF 45 QE 6/6/2006 – NO CERTIFICATES YET; CONTINUE TABLE 5/2/2006 – TABLE TO JUNE; COURSE ENDS 5/30 4/4/2006 – TABLE TO MAY 3/8/2006 – P/C WITH APPLICANT; IS TAKING COURSES THIS SPRING; WILL SUBMIT REQUEST TO TABLE TO END OF MAY 3/7/2006 – BOARD VOTED TO TABLE TO 4/4/2006 3/6/2006 – P/C TO SUPV; MISTAKENLY TOOK MULTIPLE “CE” COURSES; REQUEST TO TABLE FOR A MONTH TO COMPLETE CLASSES
#3	UPGRADE FROM LICENSED RESIDENTIAL TO SIT FOR CERTIFIED RESIDENTIAL EXAM MIN 120 QE BAL MET? YES, 135 QE HOURS ON FILE MIN 24 MONTHS EXP MET? YES, 1 ST LIC 2/1/2000(RA); 12/23/2002(AP) MIN 2500 HOURS WK EXP W/SOME MAJOR/COMPLEX APPRAISALS? NO, 2110	9/6/2006 – 90 DAYS 6/6/2006 – TABLE 90 DAYS TO ALLOW APPL OPPORTUNITY TO CONDUCT COMPLEX APPRAISALS 5/23/2006 – REC'D LIMITED LIST 5/2/2006 – CONTINUE TABLE 4/27/2006 – REQUESTED LIST OF “MAJOR” APPRAISALS 4/11/2006 – REC'D ADDITIONAL HOURS 4/4/2006 – CONTINUE TABLE

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		3/7/2006 – BD VOTED TO TABLE TO 4/4/2006 3/6/2006 – NOT ENOUGH WORK HOURS ON FILE; CALLED TO REQUEST ADDITIONAL HOURS; WILL PROVIDE; REQUEST TO TABLE TO NEXT MONTH
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Correspondence

USPAP Q&A – June 2006: Provided for informational purposes.

AQB Public Meeting Summary May 5, 2006: Provided for informational purposes.

AQB Interpretation – Continuing Education Waivers and Deferrals: The Board currently has statutes regarding these issues (see Title 37-B §390-A and Title 32 §59-B).

AQB Interpretation – Continuing Education Requirements for Partial Years:

Letter from Tana McNutt – Licensing Requirements: The Board received a letter requesting consideration years of professional experience in home inspection, tax assessment, real estate brokerage, planning and zoning, and building construction management in lieu of the prerequisite training hours. Carol Leighton responded indicating that the Board does not have statutory authority to waive the licensing requirements, including the specific number of ours or type of appraisal experience as set by the AQB. The Board agreed with her response.

Next Meeting Scheduled for September 5, 2006

OTHER BUSINESS

Newsletter: Discussed preparing information for review at the next meeting.

2006 USPAP Update Course: Walter Bowditch recently completed the course and provided update information for the Board.

A motion was made by Daniel Shipley to grant approval for Kenneth Charest to speak at the Maine Banker's Association meeting scheduled for October; seconded by William Dobrowolski. Unanimous.

ADJOURN

Being no further board business the meeting was adjourned at 12:40 p.m.

Respectfully submitted,

Susan Greenlaw, Board Clerk